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Attorneys for Defendant
FREESCALE SEMICONDUCTOR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIM INTEGRATED PRODUCTS,
INC.

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.

Defendant.

Case No. C 08-00979 MHP

**AGREEMENT TO NARROW THE
LITIGATION**

1 Comes now Plaintiff Maxim Integrated Products, Inc. ("Maxim") and Defendant
2 Freescale Semiconductor, Inc. ("Freescale") by and through their respective attorneys of record,
3 and, in a joint effort to narrow the scope of the present litigation, hereby agree:

4
5 1. No later than Monday, April 28, 2008, Freescale will identify seven (7) patents of
6 the fifteen (15) patents currently placed at issue in Maxim's Complaint (the "Identified Patents");

7 2. No later than Wednesday, April 30, 2008, Maxim will amend its Complaint to
8 eliminate every allegation or reference to any of the eight (8) patents that were included in
9 Maxim's original complaint but that are not one of the seven (7) Identified Patents (such eight
10 (8) patents hereafter referred to as the "Dropped Patents");

11
12 3. Freescale will file its response to Maxim's Amended Complaint on May 2, 2008;

13 4. The parties agree that Freescale reserves all rights with respect to the Dropped
14 Patents and that Freescale's agreement to narrow the scope of this litigation does not give rise to
15 any laches, estoppel, or waiver of rights with respect to any of the eight (8) Dropped Patents; and
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17 5. The Parties also agree that, if either party brings litigation on any of the eight (8)
18 Dropped Patents against the other party, the litigation must be brought in the Northern District of
19 California.
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1 Dated: April 28, 2008

2 **McKool Smith, PC**

3 By /s/ Robert M. Manley
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25 Attorneys for Defendant
26 **FREESCALE SEMICONDUCTOR, INC.**
27
28

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By /s/ Alan H. Blankenheimer
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Attorneys for Plaintiff
**MAXIM INTEGRATED PRODUCTS
INC.**

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2008, pursuant to Local Rule 5-6, I caused to be electronically filed and transmitted to the Clerk's Office *Agreement to Narrow the Litigation* using the Court's CM/EFC System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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/s/ Nancy J. Felix

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